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February 11, 2010

BY HAND

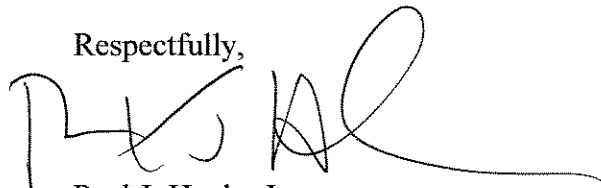
Hon. Denise L. Cote
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street – Room 1040
New York, New York 10007

Re: JKP, LLC v. Fifth on the Park Condo LLC, 09 Civ. 7148 (DLC)

Dear Judge Cote:

We represent plaintiff JKP, LLC in the above case. This is in response to Your Honor's Order to Show Cause dated January 29, 2010 as to why this action should not be dismissed in view of the Court's decision dismissing related cases 09 Civ. 4651 and 09 Civ. 6433. Plaintiff JKP respectfully disagrees with the Court's decision and understands that plaintiffs in those two cases plan to appeal to the Court of Appeals. Plaintiff JKP respectfully submits that the most efficient and resource-saving course of action would be for Your Honor to continue the stay of proceedings in this case pending the outcome of the related appeals. In the event that the Court of Appeals affirms and there are no further appellate proceedings, the Court could dismiss this action at that time; in the event that the Court of Appeals reverses, the parties will not have to take the additional steps of refiling and responding to a renewed pleading in a dismissed action.

Respectfully,



Paul J. Hanly, Jr.

Copies via email to:
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